

20 February, 2015

Attn: Public Records Custodian, Brandi Cordova
Northern New Mexico College
921 Paseo de Oñate, Española, NM 87532
Phone: (505) 747-2129
Fax: (505) 747-2170
Via Email: bcordova@nnmc.edu

Mrs. Cordova,

Following is an inventory, as of February 19, 2015, of the public records withheld by Northern New Mexico College.

As you are aware, for over nine months I have sought the cooperation of NNMC through correspondence to yourself as Public Records Custodian and via letters exchanged with legal counsel for NNMC Board of Regents, Tony Ortiz.

Below I again outlined the records that have not been released by NNMC. In addition, the records promised in a formal, written response from the NNMC Office of the Public Custodian for 24 October, 2014 and 7 November, 2014 and 5 December, 2014 have not been made available. They are as follows:

Promised October 24, 2014 release:

Fiscal Watch Reports

MALCS

MALCS Site Committee

MALCS email

Valley National Bank

Promised December 5, 2014 release:

American Indian Affairs Office

American Indian Center

Diversity and Equity

Exito Grant

Northern Pueblos Institute

Summary of Public Records Inventory of documents withheld by NNMC Administrators/ Public Custodian to date:

- 1) Public records request of Monument, LLC.: Records indicate payments to Monument, LLC. of at least one-quarter of a million dollars. No payments, receipts, checks were provided at public records inspections. Public records withheld.

2) Public records request of H& H Investigator: Heavily redacted documents were provided, removing names of College employees. NNMC did not release any “reports/data” generated by H&H, even though, upon information, such reports/data *have been* provided to another entity that requested them under the IPRA. Such reports/data exist and have not been released in fulfillment of my public records request. Public records withheld.

3) Public records request for personnel files: Application and hiring materials and stipend missing from the individual personnel files. These records are required for employment and these records are required to be held on file per State Records Retention schedules. Payments/travel and expense reimbursements missing from the individual personnel files. Further, personnel records were not up to date. The incomplete files provided also did not include any records—including contracts, payments, position reassessments, position changes—past 2013. These records are required for employment and these records are required to be held on file per State Records Retention schedules. Your office promised these public records to be furnished by *August 15, 2014* (see attached letter). Public records withheld.

4) Public records request of Blue Sky Builders: Project descriptions, procurement authorization, requests for proposals (RFPs), invitations for bid/bids (IFBs), public notice of IFBs, RFP evaluation reports, pre-proposal/ pre-bid conference log in sheets, written notices of award from procurement officer(s), emergency justification request forms required by the State of New Mexico, sole justification request forms required by the State of New Mexico, invoices from Blue Sky in conformance with New Mexico Procurement Code NMSA 1978 and Federal government purchasing missing. These records are required to be held on file per State Records Retention schedules. These records are open to public inspection per IPRA NM and NMAC State Procurement Code Regulations. Public records withheld.

5) Public records request of Monument, LLC.: The document “Development Agreement” between Monument, LLC and Northern (with 4/2/14 scribbled in hand-writing on the top right corner) is incomplete. The agreement provided is incomplete and inclusive only up to item 4.2. Full development agreement not provided at public records inspections. Public records withheld.

6) Public Records request of NNMC President Nancy “Rusty” Barcelo: On 20 May 2014, I formally requested “All records of payment; inclusive of pay stubs, stipends, per diems, and any and all additional allowances that constitute both base pay and total compensation package to Northern New Mexico College President Nancy “Rusty” Barceló.” In addition I requested records of all travel and expense reimbursements. These were not provided at public records inspections. Public records withheld.

7) Public records request of RBC Capital Markets: I requested all contracts entered, all purchase orders/purchase requests, invoices generated, and all payment records. These were not provided at public records inspections. Public records withheld.

8) Public records request of Franklin, Mondrall, Sperling: I requested all contracts entered, all purchase orders/purchase requests, invoices generated, and all payment records. These were not provided at public records inspections. Public records withheld.

9) Public records request of Basham and Basham: No PRs, bills or invoices showing description of services provided. The xerox copies provided for payment approvals clearly show staples [top center] that indicate the support PRs, bills, or invoices are in NNMC files (as required by NM State law for issuing payment), yet these supporting documents have been specifically removed and not provided in violation of NM IPRA. Public records withheld.

11) IPRA request for records pertaining to SEO “search engine optimization” dated 13 June, 2014. NNMC response was that request is “too broad.” The College is aware of the company it has contracted to provide search engine optimization. This company has worked closely with the Communications and Marketing Department consisting of Sandy Krolick, Creative Director and Stephanie J. Montoya, Staff Reporter/PR Specialist. Providing the requested records require a simple inquiry to the Communications and Marketing team and/or VP of Advancement who have contracted the search engine optimization vendor(s). Public records withheld.

12) American Indian Center public records were requested 17 June 2014. However, on June 24, 2014 a letter from Northern New Mexico College Board of Regents attorney Tony Ortiz requested additional time to provide these records and gave a written, formal guarantee that “the College will seek to complete all of your requests **no later than December 15, 2014**” (emphasis in bold font by Mr. Ortiz, Ortiz letter attached). Further, your office sent a letter on November 12, 2014 requesting additional time and promising the release of all public records by December 5, 2014 (your letter attached). In addition, I received another formal letter from your office dated December 12, 2014 with yet another delay, assuring me that the requested public records would be available January 9, 2015 (your letter attached). I have received no less than three formal, written assurances that these public records requests will be fulfilled. Public records withheld.

13) Historias de Nuevo Mexico Conference public records were promised specifically in your letter of 12 December 2014. In this formal, written communication, your office notes that these records *specifically* will be available on 9 January 2015, with no exceptions noted. These public records have been promised multiple times in writing. As your office and the office of Tony Ortiz are aware, the Historias de Nuevo Mexico Conference and its steering committee *have been* an NNMC activity, controlled, organized, and supervised by members of NNMC’s faculty and Administration.

The fraction of public records supplied February 19, 2015 do not include: signed contracts, rental agreements and leases, full payment records, purchase orders and purchase requests. Further, the public records do not include MOUs with the Northern Foundation, and NNMC staff, as requested (for which there is ample evidence in the supplied sampling of email exchanges). In addition, the public records do not include email attachments, as requested. For instance in email of 11/6/2012 with Subject Heading: FWD: Invoice 7455 Past Due Invoice, the attachment is missing. In the email of 10/3/2012 with Subject Heading: Request to transfer fund, the attachments are missing. In the email of 11/15/2012 with Subject Heading: Budget Request, the attachment is missing. There are several examples of the sampling of NNMC Historias de Nuevo Mexico Conference emails missing their attached documents.

Historias de Nuevo Mexico Conference sampling of records is also not inclusive of the requested dates: through June 1015 (to account for current conference planning). Public records withheld.

14) The public records of the Exito Grant are missing the following checks indicated on your own spreadsheet: a) U.S. Digital Media for 17 August 2012, 2 October, 2012, 25 June, 2013; b) Valdez, 9 May 2013; c) Weber State University, 22 January 2013. Public records withheld.

15) The public records of the Exito Grant are missing the following checks and POs indicated on your own spreadsheet: All NNMC transfers of \$32,000. Public records withheld.

16) The public records requested for the Carl Perkins Grant are missing all 2011 POs and all payment records from 2012, 2013, 2013, 2014. Public records withheld.

17) The public records of Attorney Tony Ortiz are missing email attachments. For instance in email of 6/5/2014 with Subject Heading: FWD: Not enough funds in PSC14201- Tony Ortiz, the attachment is missing. Public records withheld.

Public Records Violations of written agreement by NNMC Public Custodian for “full day” of inspection:

As I have outlined previously, I am concerned about the time constraints made unnecessarily and arbitrarily by NNMC. The letter from the NNMC Office of the Custodian of Public Records (13 November, 2014) reads “I understand that you were concerned about having adequate time during your on-campus inspections. The dates offered for inspection are for **full days**, which should address your concerns” (emphasis mine).

Such restraints are further evidence of NNMC’s continued refusal to comply with NM IPRA. I remind NNMC officers, Regents, Administrators, and your office of your formal, written promises to fulfill the public records requests. The multiple, formal, written promises to comply with the public records requests were sent by both your office and the legal office of attorney Tony Ortiz. I expect the long-delayed public records requests to be fulfilled immediately and in full as required by law.

I encourage your office, the NNMC Regents, Administrators, and officers legally responsible for NM IPRA compliance, here duly informed, to act in good faith and in accordance with NM IPRA.

I appreciate your office’s prompt attention to this matter.

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Cc: NNMC President Nancy “Rusty” Barcelo, NNMC Board of Regents Legal Counsel Tony Ortiz, Members of the NNMC Board of Regents